

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE

UNITED STATES OF AMERICA

V.

CASE NO. 7:11MJ00134 (MFU)

DAMON LEE HANKS

ORDER OF DISMISSAL

Defendant Damon Lee Hanks, indicted on state drug charges in Pittsylvania County, Virginia, was arrested in the District of Columbia on May 10, 2010, for being a fugitive from the state of Virginia in violation of Title 23 Section 701 of the District of Columbia Code. The defendant was released by the Superior Court of the District of Columbia with conditions to include reappearing for an extradition hearing regarding the Pittsylvania County charges. The defendant failed to appear at this extradition hearing in the Superior Court of the District of Columbia and Chief Judge Lee F. Satterfield issued a bench warrant on June 16, 2010 for failing to appear.

Subsequently, the defendant was arrested in Pittsylvania County and Hanks was granted a bond in Pittsylvania County, which, to date, he has not satisfied. Once the U.S. Marshal was apprised of Hanks' arrest in Pittsylvania County, the arrest warrant from the Superior Court of the District of Columbia was lodged as a detainer. The U.S. Marshal took Hanks into federal custody in Pittsylvania County and transported him to Roanoke for an initial appearance. At the initial appearance, the Court apprised Hanks of the provisions of Fed. R. Crim. P. 20, and counsel discussed with the Court whether it was prudent and appropriate for Hanks to be returned to the District of Columbia, or whether he should be sent directly to Pittsylvania County. After discussion, the Assistant United States Attorney indicated that he would contact authorities in the District of Columbia regarding the disposition of Hanks' case there.

Subsequently, the Assistant United States Attorney reported that he had contacted his counterpart in the District of Columbia and that the prosecution there was willing to forego the D.C. fugitive warrant provided that Hanks be returned to Pittsylvania County for trial on the state drug charges. It was further represented that the United States Attorney in the District of Columbia would file a motion to quash the bench warrant in the Superior Court of the District of Columbia as there are no substantive charges in the Superior Court related to the failure to appear. Given the position taken by the District of Columbia authorities, the United States moved to dismiss the charges out of the Superior Court for the District of Columbia.

For good cause shown, it is hereby **ORDERED** this case is dismissed without prejudice and stricken from the active docket. It is **FURTHER ORDERED** that the defendant is to be returned without delay to Pittsylvania County by the United States Marshal to face the pending state charges.

The Clerk is directed to send certified copies of this Order to counsel for the defendant; to the United States Attorney, Roanoke, Virginia; to the United States Attorney, Superior Court, Washington D.C.; and to the United States Marshal, Roanoke, Virginia.

Entered: April 27, 2011

/s/ Michael F. Urbanski

Michael F. Urbanski
United States Magistrate Judge